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Security Council

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Statement by the President of the Security Council

At the 6917th meeting of the Security Council, held on 12 February 2013, in connection with the Council's consideration of the item entitled "Protection of civilians in armed conflict", the President of the Security Council issued the following statement on behalf of the Council:

"The Security Council reaffirms its commitment regarding the protection of civilians in armed conflict, and to the continuing and full implementation of all its previous relevant resolutions including 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006), 1894 (2009), as well as all of its resolutions on Women, Peace and Security, Children and Armed Conflict and Peacekeeping, and all relevant statements of its President.

"The Security Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security and its commitment and readiness to strive for sustainable peace in all situations under its consideration.

"The Security Council expresses its deep concern that civilians continue to account for the vast majority of casualties in situations of armed conflict.

"The Security Council recognises that States bear the primary responsibility to protect civilians as well as respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction, as provided for by relevant international law.

"The Security Council reaffirms that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of civilians and, urges parties to armed conflict to meet civilians' basic needs, giving particular attention to the specific needs of women and children, refugees, internally displaced persons, as well as other civilians who may have specific vulnerabilities, including persons with disabilities and older persons.

"The Security Council reiterates its demand that all parties to armed conflict comply strictly with the obligations applicable to them under international humanitarian, human rights and refugee law. The Council stresses the need for parties to take all required measures to avoid civilian casualties and to respect and protect the civilian population.

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"The Security Council remains committed to addressing the impact of armed conflict on civilians and its consequences in post-conflict situations, in particular on women and children. In this respect, in reaffirming the principles of international humanitarian law, the Security Council strongly condemns all violations of international law against civilians, in particular the deliberate targeting of civilians, indiscriminate or disproportionate attacks, and sexual and gender based violence, including the use of sexual violence for political motivations and as a tactic of war. The Council expresses grave concern about situations in which armed forces and groups persist in committing violations and abuses against children exposed to and affected by armed conflict and post-conflict situations in open disregard of applicable international law and the Council's resolutions on this matter. The Council demands that all relevant parties immediately put an end to these violations and abuses, calls upon them to cooperate with the United Nations, and reaffirms its readiness to adopt targeted and graduated measures. The Council calls upon States to ensure that perpetrators of violations and abuses of international law are held fully accountable.

"The Security Council reaffirms its strong opposition to impunity for serious violations of international humanitarian law and human rights law and emphasizes in this context the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law. The Council recognises international commissions of inquiry and fact-finding missions as valuable mechanisms to verify and investigate allegations of serious violations of international human rights and humanitarian law, and in accordance with their respective mandates to make recommendations to advance accountability and justice and protection for victims. The Council considers the possibility, of using the International Fact- Finding Commission established in accordance with Article 90 of the First Additional Protocol to the Geneva Conventions.

"The Security Council notes that the fight against impunity and accountability for the most serious crimes of international concern has been strengthened through the work on and prosecution of these crimes in the International Criminal Court, in accordance with the Rome Statute, in ad hoc and "mixed" tribunals as well as specialized chambers in national tribunals. In this regard, the Security Council reiterates its previous call on the importance of State cooperation with these courts and tribunals in accordance with the states' respective obligations, and expresses its commitment to an effective follow up of Council decisions in this regard. The Council intends to forcefully continue to fight impunity and also draws attention to the full range of justice and reconciliation mechanisms, including truth and reconciliation commissions, national reparation programmes and institutional and legal reforms, including guarantees of non-recurrence. The Council reaffirms its readiness to adopt appropriate measures aimed at those who violate international humanitarian law and human rights law.

"The Security Council recalls in this regard applicable provisions of international law on the right to reparations for violations of individual rights.

"The Security Council reaffirms the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

"The Security Council notes that, consistent with its functions in relation to international peace and security, it seeks to remain engaged in all stages of the conflict cycle. The Security Council also notes that it will continue to explore ways in which to prevent the outbreak of armed conflict and develop measures to address the root causes of conflicts in order to ensure sustainable peace. The Council further stresses the importance of peaceful settlement of disputes, conflict prevention and resolution to prevent their escalation and their impact on civilians.

"The Security Council notes with concern the current and ongoing humanitarian impact of armed conflict and regrets the impact of armed conflict on the civilian population, including in or near densely populated areas, with negative effects continuing even after the armed conflict has concluded. The Security Council condemns all acts of violence and other forms of intimidation deliberately directed at humanitarian personnel, as well as attacks on peace..epers. The Council calls on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to respect and protect humanitarian personnel and relief consignments and to take all required steps to facilitate the safe, rapid and unimpeded passage of relief consignments, equipment and personnel.

"The Security Council calls upon all parties to armed conflict to comply with their obligations under international humanitarian law to respect and protect, and refrain from attacking, medical personnel, provided that they take no action adversely affecting their status as civilians, and facilities, as well as from using medical infrastructure in fighting. The Council further urges that medical personnel be granted all available help for the performance of their duties.

"The Security Council expresses deep concern about the severity and frequency of attacks against schools, threats and attacks against teachers and other protected persons in relation to schools, and the use of schools for military purposes, and significant implications of such attacks on the safety of students and their access to education. The Council calls upon all parties to armed conflict to put an end to such practice and to refrain from attacks against teachers and other protected persons in relation to schools, provided that they take no action adversely affecting their status of civilians.

"The Security Council expresses deep concern about acts of violence against journalists, media professionals and associated personnel in armed conflict, in particular deliberate attacks in violation of international humanitarian law, and calls upon all parties to armed conflict to put an end to such practice. The Security Council recalls in this regard that journalists, media professionals and associated personnel engaged in dangerous

professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians. The Security Council recalls its demand that all parties to an armed conflict comply fully with the obligations applicable to them under international law related to the protection of civilians in armed conflict, including journalists, media professionals and associated personnel.

"The Security Council reiterates that safe, and unhindered access by United Nations humanitarian agencies and national and international organisations to people in need, in accordance with the humanitarian principles of humanity, neutrality, impartiality and independence, and the Guiding Principles of Humanitarian Assistance, is a prerequisite for the effective delivery of humanitarian assistance. The Security Council recognizes the need for consistent engagement by humanitarian agencies with all parties to armed conflict for humanitarian purposes, including activities aimed at ensuring respect for international humanitarian law. The Council stresses the need to ensure simplified and expedited procedures for humanitarian personnel and goods in order to better deliver quick support to civilians on the ground. The Council also underlines the importance of systematic monitoring and analysis of constraints on humanitarian access.

"The Security Council recognises the needs of civilians affected by foreign occupation and stresses further, in this regard, the responsibilities of the occupying power in full compliance with international humanitarian law.

"The Security Council recognises the acute impact of conflict on refugees and internally displaced persons. The Council stresses the need for all actors to work together for a durable solution for refugees and internally displaced persons including voluntary safe, dignified and sustainable return, resettlement, or local integration, as appropriate.

"The Security Council also recognizes the importance of registration as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance to refugees. Further, the Security Council calls upon all actors to take adequate and necessary measures to ensure respect for the principles of refugee protection and obligations under refugee law, including the civilian and humanitarian character of refugee camps.

"The Security Council emphasises the need for peacekeeping missions with protection of civilian mandates to ensure their implementation, and stresses the importance of continued and further engagement by senior mission leadership, with a view to ensuring that all mission components and all levels of the chain of command are properly informed of and are involved in the mission's protection mandate and their relevant responsibilities. The Security Council recognises the need for strong leadership in peacekeeping missions, and also encourages further coordination between UN and regional and sub-regional institutions, as appropriate, on issues relating to the protection of civilians in peacekeeping operations.

"The Security Council emphasises the importance of ensuring that peacekeeping missions with protection of civilian mandates develop mission-wide protection strategies for incorporation in the overall mission implementation plans and contingency plans in consultation with the host Government, local authorities, troop- and police-contributing countries, and other relevant actors. The Council stresses the importance of ensuring the widest possible dissemination of tools created to develop mission-wide strategies and requests that mission reporting include information on their use and effectiveness in protecting civilians, as well as recommendations on necessary updates and revisions, based on field experience. The Council also emphasises that effective interaction and coordination of United Nations peacekeeping missions with host government authorities, civil society, and local populations as well as with humanitarian actors, is essential for improving and strengthening their respective and the overall protection response. In this regard, the Council also emphasises the importance of effective interaction and coordination as appropriate both among UN peacekeeping missions and between UN peacekeeping missions and political missions. The Council welcomes progress made by the Secretary General in elaborating a conceptual framework, outlining resource and capability requirements, and developing operational tools for the implementation of protection of civilian mandates. In this context the Council reiterates the importance of including provisions on the protection of women and children including the appointment of gender advisers, women protection advisers, and child protection advisers, as appropriate in the mandates of United Nations missions.

"The Security Council reaffirms its practice of ensuring that mandates of UN peacekeeping and other relevant missions include, where appropriate and on a case-by-case basis, provisions regarding the protection of civilians, stresses that mandated protection activities must be given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of mandates; and recognizes, that the protection of civilians when and as mandated requires a coordinated response from all relevant mission components.

"The Security Council recognises the need for systematic monitoring and reporting on progress to protect civilians in armed conflict. The Council reaffirms its practice of requiring mission specific benchmarks, as and where appropriate, to measure and review progress made in the implementation of peacekeeping mandates and in this regard underlines the importance of clear mission specific benchmarks in the context of mission transition.

"The Security Council reiterates the importance of the Aide Memoire on the protection of civilians (S/PRST/2010/25) as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates and stresses the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation.

"The Security Council notes the report of the Secretary-General on protection of civilians in armed conflict of 22 May 2012 S/2012/376 and the recommendations made therein, and requests the Secretary-General to submit his next report, to include an assessment of concrete measures taken by peacekeeping missions to implement their mandates to protect civilians and the impact of those measures, by 15 November 2013 and for reports to be submitted every 18 months thereafter."